

CITY OF BELLEVUE  
CITY COUNCIL

Summary Minutes of Study Session

January 5, 2004  
6:00 p.m.

Council Conference Room  
Bellevue, Washington

PRESENT: Temporary Chair Marshall and Councilmembers Balducci, Chelminiak, Davidson, Degginger, Lee, and Noble

ABSENT: None.

1. Executive Session

Mrs. Marshall opened the meeting at 6:05 p.m. and recalled she was appointed by Council in December to serve as temporary chair of this meeting.

There was no Executive Session.

2. Study Session

(a) Election of Mayor

Temporary Chair Marshall explained the procedure for the Council's election of a Mayor to serve a two-year term.

Councilmember Chelminiak nominated Connie Marshall for the position of Mayor. Councilmember Noble nominated Grant Degginger for the position of Mayor.

According to Robert's Rules of Order, nominations are voted on in the order in which they were submitted. Responding to a call for those in favor, Councilmembers Balducci, Chelminiak, Lee, and Marshall voted to elect Mrs. Marshall as Mayor. Councilmembers Davidson, Degginger, and Noble voted in the negative.

Mayor Marshall assumed the gavel as mayor.

(b) Election of Deputy Mayor

Mayor Marshall invited nominations for the office of Deputy Mayor.

Councilmember Lee nominated himself as Deputy Mayor. Councilmember Degginger nominated Mr. Noble for the position of Deputy Mayor.

Responding to Mayor Marshall, the nomination of Mr. Lee as Deputy Mayor failed by a vote of 3-4, with Mayor Marshall and Councilmembers Balducci and Lee voting in the affirmative.

Mayor Marshall moved to the second nomination and called for a vote. Mr. Noble was selected as Deputy Mayor by a vote of 7-0.

Mayor Marshall declared a brief recess to allow an opportunity for photographs. The meeting resumed at 6:16 p.m.

(c) 2004 Comprehensive Plan Update and Land Use Code Amendment (LUCA)  
Work Program

Planning Director Dan Stroh opened discussion about the 2004 Comprehensive Plan update and Land Use Code Amendment (LUCA) work program.

Kathleen Burgess, Comprehensive Planning Manager, said this will be the first major update of the Comprehensive Plan since it was adopted in 1993. She described the state requirement for a public participation program associated with the Comprehensive Plan update process. Previous public participation activities include the work of the Downtown Implementation Plan Citizens Advisory Committee and the Critical Areas CAC as well as open houses and public hearings on the scope of the update. Information will be exchanged with the community throughout the update process via email, the City's web site, neighborhood newsletters, *It's Your City*, open houses, special events, and Planning Commission public hearings.

In developing the work program, the Planning Commission compared the Comprehensive Plan to state mandates, identified local priorities, and held an open house and public hearing. Major topics recommended by the Commission for inclusion in the update are critical areas, Downtown Plan, 20-year growth targets, housing, and economic development. Other topics of interest are to update the vision, update the Transportation Element, incorporate the Parks and Open Space Plan, and various refinements to the overall Plan. Ms. Burgess explained that the work program represents a substantial commitment of Commission, public, and staff resources. The initiation of a topic in the work program is a commitment to study it but study may or may not result in amendment of the Plan or Land Use Code.

Ms. Burgess reviewed eight major topics upon which staff is seeking Council direction. The first topic is citywide tree retention, and the Planning Commission was split 3-3 about whether or not to study this topic. Patsy Bonincontri, Planning Commission Chair, noted that a group of Bridle Trails residents are working on developing a tree preservation program for their neighborhood.

Deputy Mayor Noble would prefer to see a tree preservation policy for the city as a whole rather than the Bridle Trails neighborhood only.

Mr. Degginger feels tree preservation versus view preservation is an appropriate issue to be addressed through subarea plans because neighborhoods have different characteristics. He feels it would be difficult to reach consensus on a citywide tree policy. Dr. Davidson concurred and expressed support for the Bridle Trails process. Mr. Lee agreed with holding off on addressing the issue citywide until after the Bridle Trails group completes its process.

Mr. Chelminiak said, at the Planning Commission, the Bridle Trails community expressed concerns regarding ~~was concerned about~~ private property rights and enforcement of a tree preservation policy.<sup>1</sup> He supports a subarea approach to the issue.

Responding to Councilmember Balducci, Ms. Burgess said if tree retention is not included in the 2004 work program, the next opportunity to address the issue would be the 2005 work program.

Mayor Marshall noted that a majority of Councilmembers recommend not including tree retention in the 2004 Comprehensive Plan work program.

Ms. Burgess said the second item for Council consideration is whether to address the topic of the uses allowed by the Community Business and Neighborhood Business designations. The Planning Commission is split over this issue because some want to preserve the flexibility of the current code and others are concerned about preserving the traditional services found in a neighborhood shopping center such as grocery stores and drugstores.

Mr. Degginger recalled that changes were made to allowed NB uses approximately a year ago. He noted the Wilburton/NE 8<sup>th</sup> Street study is currently reviewing CB uses and related issues.

Following brief comments by Councilmembers, Mayor Marshall noted majority support for staff's recommendation to allow the Wilburton study to continue and to not initiate a separate citywide review of CB and NB districts.

Ms. Burgess said the third potential topic for inclusion in the work program is view corridors. Ms. Bonincontri said the Commission feels the topic is worthwhile but a review would likely be time consuming and controversial. The preservation of view corridors refers to both residential areas and arterials throughout the community.

Mr. Degginger noted that the Comprehensive Plan addresses the preservation of views. He is not in favor of adding the item to the work program. A majority of Councilmembers concurred.

Moving to the next topic, Ms. Burgess noted that the state deadline for updating the City's Shoreline Master Program has been extended to 2009. However, staff recommends updating the City's critical areas policies and regulations in 2004. The Planning Commission did not discuss this issue. Councilmembers expressed support for staff's recommendation.

Ms. Burgess said the Planning Commission encourages incorporating the recommendations of the Downtown Implementation Plan (DIP) Citizen Advisory Committee into the 2004 Comprehensive Plan update. Staff recommends that the transportation elements will be

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<sup>1</sup> Amended and approved by Council on January 20, 2004.

addressed in 2004 and that the Downtown Subarea Plan and Land Use Code amendments will be completed in 2005.

Responding to Mr. Degginger, Mr. Stroh described the need to work with each of the neighborhoods in and around downtown to develop specific land use code amendments. Mr. Degginger prefers to address the transportation plan and subarea plan together. Mr. Stroh noted that the major transportation and subarea elements have been identified in the recent DIP update. However, the neighborhood district work to be completed in 2005 would focus on refining neighborhood character elements.

Mayor Marshall and Mr. Chelminiak concurred with Mr. Degginger and expressed support for moving forward with the work of the DIP update as soon as possible. Mr. Stroh explained the constraints on staff's capacity for completing all of the work, including the land use code amendments, in 2004. Mr. Noble, Mr. Lee, and Dr. Davidson expressed a preference for addressing the transportation and subarea planning jointly.

Ms. Burgess suggested that staff caucus on the issue before the Regular Session, at which time Council could then vote on the matter. Council agreed.

The sixth major topic for Council consideration is future direction on transportation concurrency. Ms. Burgess explained a state appeals court ruling on December 15, 2003, that the City cannot exempt neighborhood shopping centers or other uses from the City's concurrency ordinance. Staff proposed additional discussions with Council to further explore the issue, and Council concurred.

Moving on, Ms. Burgess said staff and the Planning Commission recommend against including a review of electric utility policies in the 2004 work program. The West Bellevue Community Club recently requested a review, in part due to their concern about plans to expand the Lochleven Substation. Ms. Burgess said a Citizens Advisory Committee completed an extensive review of utilities issues. Subsequently, a 30-year plan for electric utilities was completed that addresses the expansion of substations among other items. Staff and the Planning Commission recommend against including this in the 2004 work program.

Responding to Mayor Marshall, Mr. Stroh said expansion of the Lochleven Substation is subject to the full conditional use permit process. There will be a public hearing and opportunities for the public to comment on the process.

Ms. Bonincontri said the Planning Commission suggested it would be more appropriate to address the growth issues through the franchising agreement than through the utilities element of the Comprehensive Plan.

Dr. Davidson suggested that the Environmental Services Commission review the issue.

Mayor Marshall noted general Council agreement to not include a review of electric utilities policies in the 2004 Comprehensive Plan work program.

Ms. Burgess explained differing requirements for notifying residents about potential projects. In some situations residents within 200 feet are notified and in others residents within 300 feet receive notification. Councilmembers expressed support to use a consistent rule of notifying residents within 300 feet of a project.

As the last major item for Council consideration for potential review in the 2004 work program, Ms. Burgess explained an idea to reconfigure 110<sup>th</sup> Place SE to provide access from the south rather than from Main Street. While the Planning Commission was not in favor of including this item in the 2004 update, Mr. Chelminiak said the Commission noted it would be a positive step toward creating a green space along the south side of Main Street.

At Mr. Lee's request, Mr. Stroh explained the role of the Commissions in the Comprehensive Plan update. The Transportation Commission will have a major role in reviewing the Transportation Element of the Comprehensive Plan and the Downtown Transportation Plan. Under state law, the Planning Commission is responsible for developing recommendations for Council regarding the overall Comprehensive Plan. The two commissions will likely hold at least one joint meeting to discuss the issues. Mr. Degginger suggested that the Planning Commission provide monthly updates to Council and the public throughout the process.

- (d) Major Public Open Space (MPOS) Design Plan and Guideline Amendments – 110<sup>th</sup> Avenue NE and NE 6<sup>th</sup> Street (Pedestrian Corridor)  
*(Council action is scheduled for January 20, 2004.)*

Patricia Wilma, Planning Manager, explained that the Land Use Code calls for Council to adopt a Design Plan for the Major Public Open Space (MPOS) at 110<sup>th</sup> Avenue NE and NE 6<sup>th</sup> Street, adjacent to the Pedestrian Corridor. Three developments are now in design review and require MPOS approval: 1) Meydenbauer Project (plaza at northeast corner of 110<sup>th</sup> NE and NE 6<sup>th</sup> Street), 2) new City building at southeast corner, and 3) City Center II at the southwest corner. On December 10, 2003, the Planning Commission recommended approval of the MPOS Design Plan.

Ms. Wilma requested Council action to: 1) apportion and locate the MPOS at 110<sup>th</sup> Avenue NE and NE 6<sup>th</sup> Street, 2) approve the MPOS Design Plan, and 3) approve amendments to Design Guidelines to include the 110<sup>th</sup> Avenue NE MPOS. She displayed and described the Design Plan depicting linear plazas on the northeast and southwest corners and a larger, rectangular plaza on the new City building site. The three spaces will relate to each other through similar materials, lighting, and wayfinding features. However, they will be designed independently and reflect individual character. Retail space is required on one side of the linear MPOS but is not required on the new City building site.

Responding to Dr. Davidson, Land Use Director Carol Helland said Council action is requested on January 20.

Responding to Mayor Marshall, Ms. Wilma said City staff have involved the property owners in creating the Design Plan for the intersection.

Responding to Dr. Davidson, Ms. Helland clarified that the guidelines for the Pedestrian Corridor do not apply east of 110<sup>th</sup> Avenue NE. However, the requirements for the MPOS Design Plan do apply to the east side of the street.

3. Council Business [Regular Session Agenda Item 6]

Mr. Chelminiak attended Puget Sound Regional Council's Cascadia Conference in Portland.

Deputy Mayor Noble attended a meeting of the Eastside Human Services Forum and was elected to serve as the new Chair. He attended the Eastside Transportation Partnership meeting and noted an upcoming discussion about whether to advocate additional legislative funding for transportation projects through a five-cent increase in the gas tax.

Mr. Lee attended "It's a Wonderful Life" at the Theatre at Meydenbauer.

Mr. Degginger reported that the Cascade Water Alliance Board of Directors and Seattle City Council approved the 50-year contract between CWA and Seattle.

Mayor Marshall shared an email commending Jim Bennett and staff for their response to a fallen 40-foot tree. She read a second email thanking Council and staff for delivering high-quality services while avoiding tax increases, commending Ron Langley for editing *It's Your City*, and praising the Fire Station 8 crew for its speedy response (within 2 minutes) to a recent 911 call.

At 7:47 p.m., Mayor Marshall declared recess to the Regular Session.

Myrna L. Basich  
City Clerk

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